

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

07-CV-6068

v.

**ORDER ADOPTING
REPORT & RECOMMENDATION**

THE PREMISES AND REAL PROPERTY
WITH ALL BUILDINGS, APPURTENANCES,
AND IMPROVEMENTS, LOCATED AT
118 KELLER STREET, ROCHESTER,
NEW YORK,

Defendants.

The United States of America filed this *in rem* civil foreclosure action of the premises and real property located at 118 Keller Street, Rochester, New York on February 7, 2007. (Docket No. 1.) Thereafter, claimant David P. Anderson filed a Claim for Forfeiture, objecting to the foreclosure action and an Answer to the Complaint. (Docket Nos. 4, 6.) This Court then referred the case to Magistrate Judge Marian W. Payson, pursuant to 28 U.S.C. § 636 on July 2, 2007. (Docket No. 7.)

On February 4, 2011, the government filed the instant Motion to Strike Mr. Anderson's Claim and Answer contending that Mr. Anderson lacked standing to contest the foreclosure action because he no longer has any interest in the subject property. (Docket No. 16.) The motion was referred to Judge Payson for a Report and Recommendation on February 8, 2011. (Docket No. 17.) Mr. Anderson, through his attorney, Peter J. Pullano, Esq., responded to the

motion and indicated that he no longer owned the subject property. (Docket No. 20). Judge Payson then issued her Report and Recommendation on August 22, 2011, recommending that this Court grant the government's motion to strike Mr. Anderson's Claim and Answer. (Docket No. 22.) No objections have been filed to Judge Payson's Report and Recommendation.

Pursuant to 28 U.S.C. § 636(b)(1), after the filing of a Report and Recommendation, any party may serve and file written objections to such proposed findings and recommendations. After such filing,

[a] judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.

28 U.S.C. § 636(b)(1). Having reviewed the Report and Recommendation and no objections having been filed, it is hereby

ORDERED, that the Report and Recommendation is hereby adopted in its entirety; and the government's Motion to Strike claimant David P. Anderson's Claim for Forfeiture and Answer, is hereby granted in its entirety.

ALL OF THE ABOVE IS SO ORDERED.

s/ Michael A. Telesca
MICHAEL A. TELESCA
United States District Judge

Dated: Rochester, New York
September 13, 2011